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LETTER 60-66-L

Generator
LESLIE C. HARDY
I Concur
I Concur

April 21, 1960

Honorable Laurance T. Wren
Coconino County Attorney
Flagstaff, Arizona

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ARIZONA ATTORNEY GENERAL

Dear Sir:

The Attorney General acknowledges receipt of your letter of April 7, 1960, with respect to the interpretation of A.R.S. § 11-297, as that section was interpreted by this office by a letter opinion rendered on May 18, 1959 to Mr. Alvin F. Krupp, County Attorney of Graham County.

The opinion of this office rendered on May 18, 1959, has again been reviewed. The opinion is now concurred in, upon the factual situation upon which it was based.

Arizona Revised Statutes, § 11-297, limits the hospital services which are there authorized to indigents who are residents of a particular county for the preceding 12 months, except in the particular instance specified in the statute, which is, "Except in emergency cases when immediate hospitalization or medical care is necessary for the preservation of life or limb,***".

Undoubtedly, by the enactment of the statute, the Legislature considered that the preservation of life or limb in emergency cases was of such humanitarian import that indigency and residency must yield to the exigency of the situation. Such must be the interpretation, otherwise there would be no occasion for including the words quoted above in the statute.

Honorable Laurance T. Wren
April 21, 1960
Page Two

Jones v. Santa Cruz County, 72 Ariz. 374, 236 P. 2d. 301, in the opinion of the Attorney General, does not reach the question here involved. The emergency provision of A.R.S. § 11-297 was not under consideration. The principal question was: Does the board of supervisors have the power to provide maintenance and care for the sick of the county who are not dependent nor indigent? Certainly the board of supervisors, as the opinion recites, had no such power.

That case cannot stand for the proposition that an indigent person who is not a resident of the county is not entitled to hospitalization and medical care when a qualified physician determines that an emergency exists which is necessary for the preservation of life or limb.

Very truly yours,

WADE CHURCH
The Attorney General

LESLIE C. HARDY
Chief Assistant
Attorney General

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